

From: [Raymond McGee](#)
To: [Greendlinger, Stacy](#)
Subject: U.S. Environmental Protection Letter June 29, 2016 Response
Date: Friday, July 08, 2016 2:11:34 PM

Stacy,

Stacy,

I want to thank you for the thorough discussion we had today concerning the letter I received from the United States Environmental Protection Agency. With my response, I intend to properly identify where I believe Ansonia Copper and Brass (ACB) may fit into this potential liability for the site. I think it is important to present the historical sequence of ownership and what I believe to be ACB's responsibility at the Waterbury site.

The Waterbury location has been a metal working site since around the 1880's and as such there have been many owners of the lands in the immediate vicinity of 725 Bank Street engaged in a wide range of metal processing, forming, cleaning and disposal activities. My point is that it may not be possible to assign a direct responsibility to the many areas of potential remediation at this site. Since at least the 1940's, the 725 Bank Street site has produced copper based tubing for the Anaconda American Brass Company. The 725 Bank Street site was one of the primary manufacturers of copper nickel tubing for the U.S. Government, primarily for use in on-board ship fire suppression systems. From the 1940's until 1988, the year the site was purchased by an ESOP, the total production of tubing was likely in the 200 to 250 million pound range. During this time period, ARCO purchased Anaconda American Brass and subsequently, British Petroleum purchased ARCO. As a result of their purchase, BP (British Petroleum) inherited all of the environmental and site conditions associated with ACB. Ansonia Copper and Brass (ACB) was purchased by an ESOP in 1988 and was owned by this entity until 2002, a fourteen-year time span. I purchased ACB, which includes the 725 Bank Street site, in 2002. The 725 Bank Street operated as an alloy copper tube mill until December 2012. From 1988 until 2012, approximately 50 million pounds of tubing were manufactured. The Waterbury site was sold to Ansonia Specialty Metals in 2012.

When the ESOP purchased ACB (including the Waterbury site), ARCO/BP negotiated an Environmental Indemnification Agreement as a part of the Purchase Agreement. Additionally, BP hired Fuss and O'Neill, an environmental firm, to assess the property, take soil borings, supervise the removal of some underground storage tanks and to provide an overall assessment of the environmental condition at both ACB sites. This Indemnification Agreement has been validated several times with BP thru land clean-ups and land sales. My point is that ARCO/BP thru purchase of Anaconda American Brass and by virtue of the Indemnification Agreement has responsibility for at LEAST eighty (80) percent of the "in plant" environmental responsibilities. I believe the U.S. Environmental Protection Agency should seek at least eighty percent of the "in house" remediation expense from BP. Additionally, I believe BP should be added to the list of responsible parties for these environmental matters. I believe these "in house" remediation matters are the smallest of the matters at hand.

ACB sold 725 Bank Street site to BW Metals, of which Ansonia Specialty Metal was a

subsidiary, in 2012. In 2015, the Waterbury site was sold to 725 Bank Street Development.

The actions of 725 Bank Street Development personnel created the second category of environmental clean up responsibility which can be attributed to the actions taken by 725 Bank Street Development Inc. and their principals. They willfully removed all the copper roof drains from the facility creating in plant flooding and the escapement of significant water runoff. I do not know who was the responsible party, but the plant manufacturing equipment was sold to a Mexican manufacturer and subsequently dismantled. I have been told that the gearboxes of this equipment contained PCB containing oil. Further, I have heard that this oil may not have been properly handled and could have created an environmental contamination at the site. ACB has no involvement with these actions and any apportionment of expenses from these activities to ACB would be completely without merit. The third subject at the site concerns the wastewater treatment system. Responsible parties were advised to properly operate this site. These recommendations were ignored. As with the PCB containing oil, I do not believe ACB bears any responsibility for this clean up or any of the problems that may be associated with improperly managing the site.

ACB exists as a corporation, but the company has ceased manufacturing operations. Currently, ACB is involved in defining and executing under proper management the remediation of the Ansonia site. Funds are very limited at the company and are derived from the sale of scrap metals being removed from the buildings. All the equipment, copper based materials and assets have been sold. Therefore, ACB's ability to participate in any financial support of the clean up activities is severely limited.

ACB can provide all available historical records, including studies, reports and purchase and sale agreements concerning the Waterbury Site, starting with the sale by BP

Raymond McGee

Raymond McGee

Mobile 203-231-3542